

COMBINED SYNOPSIS/SOLICITATION NOTICE

SOLICITATION NUMBER: 386-03-003

POSTED DATE: DECEMBER 23, 2002

CLOSING DATE: JANUARY 27, 2003

CONTRACTING OFFICE: REGIONAL CONTRACTING OFFICE, USAID, NEW DELHI - INDIA.

SENIOR DEMOCRACY AND GOVERNANCE ADVISOR

The position has been classified as GS-14 with a salary range of \$74,697 to \$91,265 plus overseas allowances. The period of performance will be two years with possibility of annual extensions for a maximum of five years provided that there is a continuing need for the services, funds are available and satisfactory or better performance by the Contractor. Only U.S. citizens are eligible for consideration.

I. POSITION TITLE OF DIRECT SUPERVISOR:

The Senior Democracy and Governance Advisor will be supervised by and report to the Director, Office of Social Development, USAID India.

II. SUPERVISORY CONTROLS:

The Senior Democracy and Governance (DG) Advisor will work under the general supervision and policy guidance of the USDH-FEOC Director of the Office of Social Development in New Delhi, India. The Director will review and approve the contractor's work plan and performance measures. Supervision will be generally confined to weekly staff meetings and informal daily and/or weekly consultations. The Senior DG Advisor is expected to work independently with limited guidance, to take initiative, to supervise direct professional staff and to lead the justice team activities.

III. POSITION DESCRIPTION:

1. Introduction

The Mission's current strategy (2003-2008) contains a new strategic objective "Enhanced Opportunities for Vulnerable People" that includes an IR 5.3 – New and Expanded Opportunities for Vulnerable Groups. More information on USAID/India's strategy can be received from the website at www.usaid.gov/india. The new strategy is framed in the context of helping India, the world's largest democracy, finish its agenda of sustaining development and reducing poverty.

Despite extensive constitutional and statutory safeguards, large sections of the Indian polity remain disadvantaged in their quest for equitable treatment under the civil and criminal judicial systems. Human rights abuses are often generated by intense social tensions that disproportionately touch women, lower castes, the poor, religious minorities, and other disadvantaged groups. For example, despite the strong women's movement and revision of rape laws, most perpetrators of rape still go unpunished. Bonded labor is also illegal, but it continues to persist.

The Indian judiciary is independent, generally renders good decisions, and actively protects rights. In the face of executive and legislative branch failure, NGOs increasingly and some successfully use the technique of public interest litigation to defend rights. The judicial system, however, is hampered in its efforts to ensure rights and provide an adequate forum in which citizens can resolve their disputes with each other or with government.

The challenges to better access to justice are numerous:

- ? Police are stretched too thinly in many states and police abuse is widespread;
- ? Legal literacy is low and access to advice is insufficient;
- ? Justice system personnel are either not as aware of some aspects of the law as they need to be or hold attitudes that hinder the rights of some citizens. For example, to understand crimes such as violence against women, trafficking, and rape, and how the law might be used to combat them, judges, advocates, state-funded legal aid providers and other justice system personnel need training and sensitization;
- ? Reliable databases are lacking to aid prosecution;
- ? An inability to provide protection while investigations are underway is prevalent; and
- ? Case backlogs are huge and processing times are so long (particularly at the lower court level) that justice is effectively denied.

The poor suffer disproportionately in the legal system. Because they cannot post bail, many poor serve more time in jail waiting for their trial on petty charges than they would have served had they been found guilty. In Delhi's Tihar jail, for example, only 2,000 of the 11,000 inmates are convicted criminals; the remaining 9,000 are all awaiting processing.

Frequently, the use of courts by marginalized groups is constrained by traditions that result in members of lower castes not challenging members of higher castes; or by legal illiteracy that assumes the lack of rights and options for redress. Experimental "women's courts" and "people's courts," often administered by retired judges, may provide an alternative to strengthen the access of the poor to justice, but it is unknown yet how well these mechanisms work and who uses them. Also, small businesses in both the formal and informal sectors also lack a mechanism for the settlement of business disputes.

Over the next five years, USAID expects to focus attention on the justice needs of the bottom quintile of the population, assisting these people to gain: an understanding of their rights; access to stronger coalitions capable of advocating for the protection of their rights; and access to more responsive and effective mechanisms of delivering justice. The focus will be primarily on a narrow band of social and economic rights that, when abused, constrain the participation of the poor, women, children, businesses in the informal sector and other disadvantaged groups in the development process. If possible, however, USAID will look more broadly at the functioning of the criminal justice system and will seek to add GOI-sponsored reform efforts.

USAID will also look for ways to develop and support broad-based coalitions that can effectively monitor and lobby government for needed larger reforms. Ideally, these coalitions will foster national, regional, and state policy discussions with affected groups on key issues, in the press or other public fora. The aim is to forge a consensus on selected issues and advocate for enforcement and adoption of new initiatives,

procedures, and legislation that will advance social justice and opportunity. USAID will also strengthen key public and private sector institutions that can increase legal literacy, provide advice and resolve complaints.

2. Duties and Responsibilities of the Position

The USPSC Sr. Democracy and Governance Advisor will serve as team leader for the USAID/New Delhi Access to Justice/Rule of Law Sector Programs and Projects. As the Mission's technical expert in democracy and governance, the majority of her/his time will be devoted to Rule of Law activities. However, the DG expert will be expected to assist the Mission's Economic Growth-state fiscal reform team in conceptualizing/design of good governance enhancing activities instate planning/administration/financing. Furthermore, she/he will be expected to work closely with senior USG officials at the Embassy and at the Department of State's Democracy and Rule of Law Office to formulate position papers and analytical reports for senior management. S/He is the Mission contact with federal and state courts, federal and state public ministries, federal and state human rights commissions, law schools, bar associations, and international and local human rights organizations.

The specific duties and responsibilities of the Senior Advisor, in order of priority, will be:

A. Technical and Policy Advisory Support

1. As the Mission's expert on specific rule of law activities, advise the Mission and the country team on judicial reform/education, court management, alternative dispute resolution, public ministry reform, electoral justice, indigenous law and human rights. Provide advice on trends, constraints and opportunities. Represent USAID within US Mission country team staff discussions related to administration of justice and human rights.
2. Identify constraints in the sector and synergies with Indian and USG programs using professional knowledge to recommend and design assistance programs for USAID or other related USG support, e.g. International Narcotics and Law Enforcement Office, Department of Justice, etc.
3. Provide technical recommendations to US Mission, e.g. for the Mission Director and the Ambassador, on policy developments and programmatic interventions that promote the D/G agenda in India. Help the US Mission engage in higher order strategic analysis and design on rule of law, access to justice and other D/G related areas including anti-corruption, local governance, public administration reform and tolerance promotion.
4. Draft or oversee the drafting of project scopes of work and program descriptions to compete and award acquisition and/or assistance instruments to implement technical program in the areas highlighted above.
5. Draft speeches, concept papers, position papers, reporting cables, talking points for the Mission Director, the US Ambassador or other senior USG officials.

B. Program Management and Oversight

1. Supervise the team and the FSN- D/G advisor's monitoring of program and project implementation activities. Provide policy and operational guidance to the grantees and contractors. Review, critique and approve annual work plans and related financial documentation for compliance with USAID requirements.
2. Supervise the development of data collection systems for monitoring of program/project impacts.
3. Supervise preparation of requisite USAID documents, e.g., semi-annual and annual program performance reports.
4. Provide leadership to a multidisciplinary team as well as to partner implementing organizations in achieving the Strategic Objective 5, IR 2 on Better Access to Justice to ensure that planned development results are achieved in a highly efficient, timely manner, consistent with USAID regulations and policies.
5. Provide substantive input in establishing performance monitoring systems for results frameworks.
6. Perform or supervise the conduct of program evaluations and assessments.

C. Coordination

1. Develop and maintain close collaborative, professional relationships with staff and senior representatives of international organizations and missions, the GOI legal community (including judges, lawyers and bar associations), non-governmental organizations and foreign donors e.g., the World Bank and DFID, active in providing assistance for legal system strengthening state government officials, USAID DG assistance providers, and other USG agencies involved in DG activities.
2. Carry out and support policy dialogue with senior GOI officials and other bilateral and/or multilateral donor officials in consultation with the USDH Director, OSD, and the USAID/Director. Ensure that the critical issues and recommended courses of action identified above are effectively and tactfully raised in discussions with senior host country representatives, at donor coordination meetings and with other interested parties, e.g., international human rights organizations.
3. Participate in, coordinate, and manage USAID inputs into legal sector assessments conducted in conjunction with other USG agencies, international organizations, or other donors.
4. Enlist support from other donors, senior government officials, and non-governmental organizations for reforms and/or administrative changes that can promote better access to justice for the poor, especially women or that can replicate positive program results.
5. Represent USAID at donor and other international for an Access to Justice/Rule of Law and as appropriate, other DG areas.

IV. REQUIRED QUALIFICATIONS FOR THE POSITION:

This is a senior level position. The successful candidate is expected to have the following qualifications.

1. General: Must be a U.S. citizen. Must possess or be able to qualify for a U.S. Government "SECRET" security clearance due to the sensitivity of the policy development, analysis and reporting aspects of the position and the required level and nature of interaction and dialogue planned with senior State Department and GOM officials. Must be able to obtain medical clearance for service abroad. Must be able to travel frequently in India.
2. Education: A Juris Doctorate in Law (J.D.) is highly preferred. Alternatively, Masters (Ph.D. preferred) in a relevant social sciences field with specialized education or training in strategic approaches to political development with an emphasis on rule of law strengthening, justice sector reform, and the promotion of greater respect for human rights is preferred.
3. Technical Knowledge: The candidate must possess knowledge of current technical concepts and best practices in the fields of rule of law in both advanced and evolving democratic systems. Experience with criminal law and civil family law is preferred. Experience applying sociological, anthropological or related cultural knowledge in addressing gender issues in the design, implementation and evaluation of rule of law and administration of justice programs is highly desirable. Ability to identify, promote and apply new cutting-edge concepts, often ideas considered experimental and change-management oriented, in the promotion of DG programs.
4. Prior Work Experience: Must be a recognized professional with a proven track record managing democracy and governance activities. S/he must have at least ten (10) years experience in democracy activities and/or analysis with a proven track record of programmatic accomplishment and professional achievement. Experience must include program and activity management; preference will be given to those who have strategic planning and analysis skills. International development experience is required; preference will be given to those with experience in South Asia. Preference will also be given to individuals with some knowledge of USAID procedures and systems for strategic planning, results frameworks, activity design, program monitoring and evaluation.
5. Language and Communication Skills: Must be fluent in English and have proven ability to communicate quickly, clearly, and concisely, both orally and in writing, including technical reports. Must have demonstrated ability to produce professional quality analytical pieces. Ability to make often sensitive oral presentations logically and persuasively to senior officials, other donors, the NGO community, and to USAID and other USG officials.
6. Teamwork/ Interpersonal Skills: Exceptional leadership, communications and interpersonal skills are critical. In addition, the incumbent must be able to interact effectively with a broad range of internal and external partners and USAID clients, international organizations, and host country government officials or NGO counterparts. S/he must

be able to function collaboratively and productively as a member of a multi-disciplinary and multi-functional team, and must have the ability to work effectively in a team environment to achieve consensus on policies, activities and administrative matters. Technical skills are not sufficient to be selected for this position.

7. Supervisory Skills: The incumbent of this position will be directly supervising at least one full-time FSN professional Democracy and Governance Project Management Specialist. Strong supervisory and mentoring skills are required.

8. Excellent computer skills (MS word, MS Excel, MS powerpoint, MS outlook) are required for effectively operating in this position.

V. SELECTION CRITERIA:

Candidates will be evaluated according to the following criteria:

Technical Knowledge and Experience: 40 points

Academic Qualifications: 20 points

Managerial and Leadership Experience: 25 points

Language and Communication Skills: 15 points

Total: 100 points

VI. Application should include the following documentation:

(1) A curriculum vitae which demonstrates how the candidate's qualifications meet the work requirements;

(2) A completed and signed SF-171 or OF-612;

(3) A relevant writing sample of not more than 10 pages;

(4) Names, contact numbers, and addresses of three professional references;

(5) A written statement certifying the date and length of time for which the candidate is available for the position.

(7) A letter of application highlighting your reasons for applying for the position and key qualifications for the position.